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EXTRAORDINARY

PART II—Section 2

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AJMER STATE GOVERNMENT

Law and Judicial Department

Ajmer, the 18th December, 1952

No. 35/18/52-Law.—The following Bill is published under Rule 90 of the Rules of Procedure relating to the Ajmer Legislative Assembly for general information:—

2. It has received the recommendation of the Chief Commissioner under sub-section (3) of section 24 of the Government of Part C States Act, 1951.

BILL NO. 2 OF 1952

A Bill to provide for the Salaries and Allowances of the Ministers of the State of Ajmer

WHEREAS it is expedient to provide for Salaries and Allowances of the Ministers of the State of Ajmer; It is hereby enacted as follows:

1. Short title and commencement.—(1) This Act may be called the Ajmer Ministers (Salaries and Allowances) Act, 1952.

(2) It shall be deemed to have come into force on the 24th day of March, 1952.

2. Definitions.—In this Act—

(1) “Chief Commissioner” means the Chief Commissioner of the State of Ajmer.

(2) “Minister” means a Minister of the State of Ajmer appointed under Section 37 of the Government of Part C States Act, 1951.

3. Salaries and allowances of Ministers.—(1) There shall be paid to each Minister a salary of seven hundred and fifty rupees per

mensem and a conveyance allowance of two hundred and fifty rupees per mensem.

(2) In addition to the salary and allowance provided for in sub-section (1), each Minister may draw a sumptuary allowance of rupees one hundred per mensem.

4. Residence of Ministers.—Each Minister shall be entitled, without payment, to the use of a furnished residence in Ajmer throughout his term of office and for a period of fifteen days immediately thereafter and no charge shall fall on the Minister personally in respect of the maintenance of such residence.

Explanation—“residence” shall include the staff-quarters and other buildings appurtenant thereto, and the gardens thereof; and “maintenance” in relation to a residence will include payment of wages to sweepers, chowkidars and malis and of local rates and taxes and the provision of electricity and water and such other charges as may be determined by the Chief Commissioner.

5. Motor cars for the use of Ministers.—Each Minister shall further be entitled to the free use of a motor car to be maintained by him at his own expense.

Explanation—“maintenance” shall include emoluments of a chauffeur (who shall be the employee of the State Government and shall be paid out of the conveyance allowance of each Minister), the cost of petrol and oil and tyre renewals and minor repairs and renewals and all petty expense incurred on the upkeep and maintenance, but shall not include the expense incurred at periodical overhauling, annual varnishing, on major repairs and fees for registration, or such other charges as may be determined by the Chief Commissioner.

6. Allowances to Ministers on tour.—Travelling and Daily allowances to a Minister shall be determined by the Chief Commissioner in consultation with the Government of India.

7. Ministers and their families to be entitled to free accommodation in State Hospitals and to free medical treatment. Subject to such conditions, as may be determined by rules made by the Chief Commissioner, a Minister and the members of his family shall be entitled, free of charge, to accommodation in hospitals maintained by the State and also to medical treatment.

STATEMENT OF OBJECTS AND REASONS

Section 37(6) of the Government of Part C States Act, 1951 (Central Act XLIX of 1951), requires that the salaries and allowances of Ministers of the State of Ajmer should be fixed by the Legislative Assembly of the State by law. The Bill makes the necessary provision in this behalf.

B. K. KAULA,
Minister-in-charge.

N. SWAMINATHAN,
*Secretary to the Govt. of Ajmer,
Law and Judicial Department.*

AJMER STATE GOVERNMENT**Law and Judicial Department***Ajmer, the 18th December, 1952*

No. 35/19/52-Law.—The following Bill is published under Rule 90 of the Rules of Procedure relating to the Ajmer Legislative Assembly for general information:—

2. It has received the recommendation of the Chief Commissioner under sub-section (3) of section 24 of the Government of Part C States Act, 1951.

BILL No. 3 OF 1952

A Bill to provide for the Salaries and Allowances of the Speaker and the Deputy Speaker for the Ajmer Legislative Assembly.

WHEREAS it is expedient to provide for the Salaries and Allowances of the Speaker and Deputy Speaker of the Ajmer Legislative Assembly; it is hereby enacted as follows:—

1. Short title and commencement.—(1) This Act may be called the Ajmer Legislative Assembly (Speaker's and Deputy Speaker's Emoluments) Act, 1952.

(2) It shall be deemed to have come into force on the 21st day of May, 1952.

2. Definitions.—In this Act—

- (1) "Act" means the Government of Part C States Act, 1951;
- (2) "Assembly" means the Ajmer Legislative Assembly constituted under the Act;
- (3) "Speaker" means the Speaker of the Assembly;
- (4) "Deputy Speaker" means the Deputy Speaker of the Assembly.

3. Salary and allowances of the Speaker.—The Speaker shall be paid such salary (and conveyance allowance) and shall be entitled to such amenities regarding residence and motor car as are provided from time to time for the Ministers of the State of Ajmer.

4. Speaker not to practise any profession.—The Speaker shall not practise any profession or engage in any trade or undertake for remuneration any employment other than his duty as Speaker.

5. Salary of Deputy Speaker.—The Deputy Speaker shall be paid a salary of four hundred rupees per mensem.

6. Deputy Speaker to receive allowances as Member.—Nothing in this Act shall be deemed to debar the Deputy Speaker from being entitled to receive any allowance as Member of the Assembly under Section 20 of the Act.

STATEMENT OF OBJECTS AND REASONS

Section 10(5) of the Government of Part C States Act, 1951, (Central Act XLIX of 1951), requires that the salaries and allowances of the Speaker and the Deputy Speaker of the Legislative Assembly of the State of Ajmer should be fixed by that Assembly by law. The Bill makes the necessary provision in this behalf.

B. K. KAULA,
Minister-in-charge.

N. SWAMINATHAN,

*Secretary to the Govt. of Ajmer,
Law and Judicial Department.*

AJMER STATE GOVERNMENT

Law and Judicial Department

Ajmer, the 18th December, 1952

No. 35/20/52-Law.—The following Bill is published under Rule 90 of the Rules of Procedure relating to the Ajmer Legislative Assembly for general information:—

2. It has received the recommendation of the Chief Commissioner under sub-section (3) of section 24 of the Government of Part C States Act, 1951.

BILL NO. 4 OF 1952

A Bill to provide for the Salaries and Allowances of Members of the Ajmer Legislative Assembly

WHEREAS it is expedient to provide for the salaries and allowances of Members of the Ajmer Legislative Assembly, it is hereby enacted as follows:—

1. Short title and commencement.—(1) This Act may be called the Ajmer Legislative Assembly (Members' Emoluments) Act, 1952.

(2) It shall be deemed to have come into force on the 21st day of May, 1952.

2. Definitions.—In this Act—

(1) "Assembly" means the Ajmer Legislative Assembly constituted under the Government of Part C States Act, 1951;

- (2) "Chief Commissioner" means the Chief Commissioner of the State of Ajmer;
- (3) "Member" means a member of the Assembly, not being a Minister or the Speaker.

3. Salaries and allowances to Members.—(1) There shall be paid to each Member:—

- (a) A salary at the rate of two hundred rupees per mensem provided that the Deputy Speaker shall not be paid any salary as a Member;
- (b) A daily allowance at the rate of five rupees for each day of the period of residence for the purpose of attending the Session of the Assembly or the meetings of a Committee thereof at the place where such Session or meeting is held;
- (c) A travelling allowance for journey undertaken for the said purpose to such place and for return from such place at the rate admissible to first class gazetted officers.

Provided that nothing in this sub-section shall entitle a member to daily and travelling allowances, if such member ordinarily resides or carries on business at the place where the Session of the Assembly or the meeting of the Committee is held.

(2) Notwithstanding anything contained in sub-section (1), there shall be paid to each member a conveyance allowance at the rate of five rupees per day for each day on which he attends the Session of the Assembly or the meeting of a Committee thereof.

4. Power of the Chief Commissioner to make rules.—As respects all other matters for which no express provision has been made in this Act, the Chief Commissioner may make rules for the purpose of carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

Section 20 of the Government of Part C States Act, 1951 (Central Act XLIX of 1951) requires that the salaries and allowances of Members of the Legislative Assembly of the State of Ajmer should be fixed by that Assembly by law. The Bill makes the necessary provision in this behalf.

B. K. KAULA,
Minister-in-charge.

N. SWAMINATHAN,
Secretary to the Govt. of Ajmer,
Law and Judicial Department.

AJMER STATE GOVERNMENT**Law and Judicial Department***Ajmer, the 18th December, 1952*

No. 35/21/52-Law.—The following Bill which is proposed to be introduced in the Ajmer Legislative Assembly is published under Rule 90 of the Rules of Procedure relating to the Ajmer Legislative Assembly for general information;

BILL NO. 5 OF 1952

A Bill to provide for the compulsory attendance of children at recognised schools in the State of Ajmer

Be it enacted by the Legislative Assembly of the State of Ajmer as follows:—

1. Short title, extent and commencement.—(1) This Act may be called the Ajmer Primary Education Act, 1952.

(2) It extends to the whole of the State of Ajmer.

(3) This section and section 2 shall come into force at once; and the remaining provisions of this Act shall come into force on such date as the Chief Commissioner may by notification appoint.

2. Interpretation.—(1) In this Act, unless there is anything repugnant in the subject or context—

(a) “Chief Commissioner” means the Chief Commissioner of the State;

(b) “Compulsory scholar” means any child whose guardian is required by section 6 to cause its attendance at a recognised school;

(c) “Director” means the Director of Education for the State and includes any officer authorised by him by order in writing for the purposes of this Act;

(d) “guardian” means any person to whom the care, nurture or custody of any child falls by law, or by natural right or recognised usage, or who has accepted or assumed the care, nurture or custody of any child, or to whom the care or custody of any child has been entrusted by any lawful authority;

(e) “notification” means a notification in the Official Gazette;

(f) “prescribed” means prescribed by rules made under this Act;

(g) “primary course” or “primary education” means such course or education as may be prescribed;

- (h) "recognised school" means a school or department of a school maintained or aided by the State for imparting primary education;
- (i) "school-age" means such age, not being under 6 years or over 11 years, as may from time to time be prescribed; with reference to children in respect of any local area;
- (j) "State" means the State of Ajmer.

(2) The General Clauses Act, 1897 (X of 1897) applies for the interpretation of this Act, as it applies for the interpretation of a Central Act.

3. Introduction of compulsory primary education.—(1) The Chief Commissioner may by notification (hereinafter referred to as the specified notification) declare that primary education shall be compulsory within such area, and with effect from such date, as may be specified in the notification for all children of school-age; and thereupon the provisions of sections 4 to 12 (both inclusive) shall take effect within such area.

(2) The Chief Commissioner may by notification cancel or suspend the operation of any specified notification issued.

4. Power to exempt any person or class of persons from effect of specified notification.—The Chief Commissioner may by order in writing exempt any person or class of persons from the effect of a specified notification.

5. Fees not to be levied.—No fee shall be levied at a recognised school from any child to whom a specified notification applies.

6. Responsibility of guardian to cause child of school-age to attend school.—(1) In any area to which a specified notification relates it shall be the duty of the guardian of every child of school-age resident in such area and affected by such notification, to cause such child to attend a recognised school in such area, unless there be a reasonable excuse for its non-attendance.

Provided that no child who has completed the primary course or a course recognised by the Chief Commissioner as equivalent thereto shall be required so to attend.

(2) The Chief Commissioner shall by order in writing specify the days in each month and the hours in each day for which such child shall be required to attend such school; and no such child shall be deemed to have attended such school within the meaning of this section unless he has attended the days and the hours so specified.

7. Reasonable excuses for non-attendance.—A reasonable excuse for non-attendance shall include the following circumstances, namely:—

- (a) If there is no recognised school within a distance of two miles by the nearest route from the residence of the child;

- (b) If there is no recognised school within a distance of two miles by the nearest route from the residence of the child except a school in which any religious observance or religious instruction of a nature not approved by the guardian is compulsory;
- (c) If the child is receiving instruction in some other manner declared to be satisfactory by a prescribed officer or authority;
- (d) If the child has been granted temporary leave of absence from school for sickness, infirmity or other sufficient reason in accordance with the rules made under this Act;
- (e) If the child is unfit to attend school by reason of some physical or mental defect;
- (f) If the child is exempt from attendance on any other prescribed ground.

8. Warning.—Whenever the headmaster of a recognised school has reason to believe that the guardian of a compulsory scholar is not causing the scholar to attend the school in accordance with the provisions of this Act, or that any person is employing a compulsory scholar during the specified hours and attendance at school, the headmaster shall warn the guardian or person, in such manner as may be prescribed, to cause such scholar to attend school or to discontinue the employment of such scholar, as the case may be, forthwith after the receipt of such warning.

9. Penalty for neglect by guardian.—If any guardian or person fails to comply with the provisions of section 6 after receiving due warning under section 8, he shall be punishable for a first offence with fine which may extend to fifty rupees and for a second or subsequent offence with imprisonment which may extend to three months or to with fine which may extend to two hundred rupees or with both.

10. Cognizance of offences.—No court shall take cognizance of an offence under section 9 except on the complaint of a person authorised, generally or specially in this behalf by order in writing by the Chief Commissioner in respect of the whole or any part of the area to which the specified notification relates.

11. Certain persons to be public servants.—All persons duly authorised under section 10 to make complaints under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (XLV of 1860).

12. Protection of action taken in good faith.—No suit, prosecution or other legal proceeding shall lie against Government or any authority or person in respect of any thing done or intended to be done by it or him in good faith in pursuance of this Act or of any rule or order made thereunder.

13. Delegation of powers.—(1) The Chief Commissioner may, by notification, authorise any officer or person to exercise any one or

more of the powers vested in him by this Act, except the power to make rules, and may, in like manner, withdraw such authority.

(2) The exercise of any power delegated under sub-section (1) shall be subject to such restrictions and conditions as may be prescribed or as may be specified in the notification and also to control and revision by the Chief Commissioner or by such persons as may be empowered by him in this behalf. The Chief Commissioner shall have also the power to control and revise acts and proceedings of any person so empowered.

14. Power to make rules.—(1) The Chief Commissioner may by notification make rules, not inconsistent with this Act, to carry out all or any of the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing provision, such rules may provide for—

- (a) all matters expressly required or allowed by this Act to be prescribed;
- (b) the conditions under which leave may be granted to compulsory scholars under section 7(d) and the authority competent to grant such leave.

(3) The power to make rules conferred by this section shall, except on the first occasion of the exercise thereof, be subject to the condition of previous publication.

STATEMENT OF OBJECTS AND REASONS

One of the directive principles of State Policy embodied in Article 45 of the Constitution of India is that, the State shall endeavour to provide, within a period of ten years from the commencement of the Constitution, for free and compulsory education for all children until they complete the age of 14 years. Now that primary education has been made compulsory in many of the States in India, the Ajmer State Government consider that the time has come for the introduction of compulsory primary education in this State also by convenient stages, especially in view of the fact that satisfactory provision exists for implementing the scheme in the rural areas of the State. The Bill is intended to give effect to this object and confines itself for the present to children of school age. The school-age will be prescribed by Government in the rules to be made under the Bill after it becomes law but will be within the ages of 6 plus and 11 plus. The actual enforcement of compulsion will be in such areas as may from time to time be notified by Government. On the publication of this notification, the guardian of every child of school age will be required to send the child to a recognised school unless there is a reasonable excuse for not sending it. No fee will be levied from such child. In all cases where guardians fail to send their children to school or where persons employ them during the specified hours of attendance at School, a warning will be issued in the first instance to the persons concerned and if even after such warning, they fail to send the children to school or to discontinue such employment they will render themselves liable to prosecution and to the penalties specified in the Bill. Prosecutions will however

lie only on the complaint of a person duly authorised in this behalf. Provision has also been made for the delegation of the powers of Government, except the power to make rules, to such officers subordinate to them as they think fit. Power has been taken to make rules but this will be done after previous publication.

BRIJ MOHAN LAL SHARMA,
Minister-in-charge.

N. SWAMINATHAN,
Secy. to Govt. of Ajmer, Law and Judicial
Department.

AJMER STATE GOVERNMENT
LAW & JUDICIAL DEPARTMENT

Dated, Ajmer, the 18th December, 1952.

No. 35/22/52-Law.—The following Bill which is proposed to be introduced in the Ajmer Legislative Assembly is published under Rule 90 of the Rules of Procedure relating to the Ajmer Legislative Assembly for general information;

BILL No. 6 OF 1952

A Bill to provide for the adoption of Hindi in Devanagri script as the language to be used for the official purposes of the State of Ajmer.

Be it enacted by the Legislative Assembly of the State of Ajmer as follows:—

1. Short title, extent, commencement and Interpretation.—(1) This Act may be called the Ajmer Official Language Act, 1952.

(2) It extends to the whole of the State of Ajmer.

(3) Section 1 shall come into force at once; and section 2 shall come into force on such date as the Chief Commissioner may by notification in the Official Gazette appoint, and different dates may be appointed for different official purposes of the State:

Provided that the date or dates so appointed shall not be later than seven years from the date on which section 1 comes into force.

(4) The General Clauses Act, 1897 (X of 1897), applies for the interpretation of this Act as it applies for the interpretation of a Central Act.

2. Official Language.—(1) Subject to the provisions of Articles 346, 347 and 348 of the Constitution of India, the language to be used for the official purposes of the State shall be Hindi in Devanagri script.

(2) Nothing in this Act shall be deemed to affect the provisions of section 33 of the Government of Part C States Act, 1951 (XLIX of 1951).

STATEMENT OF OBJECTS AND REASONS

Article 345 of the Constitution of India empowers the Legislature of a State, subject to the provisions of Articles 346 and 347, to pass a law, adopting any one or more of the languages in use in the State or Hindi as the language or languages to be used for all or any of the official purposes of that State. The Legislative Assembly of the State of Ajmer passed a resolution at the meeting held on the 27th May, 1952, that Hindi in the Devnagari script should be the official language of the State. The Bill provides for the use of Hindi in Devanagari script for the official purposes of the State. Power has, however, been taken by Government to bring this provision into force as and when it is convenient to do so for different official purposes on different dates, as in practice it will be more convenient to bring about the change over gradually with reference to the experience gained from time to time.

HARI BHAU UPADHYA,
Minister-in-Charge.

N. SWAMINATHAN,
Secretary to Government of Ajmer,
Law and Judicial Department.

AJMER STATE GOVERNMENT

LAW & JUDICIAL DEPARTMENT

Dated, Ajmer, the 18th December, 1952.

No. 35/24/52-Law.—The following Bill is published under Rule 90 of the Rules of Procedure relating to the Ajmer Legislative Assembly for general information:—

2. It has received the recommendation of the Chief Commissioner under sub-section (3) of section 24 of the Government of Part C States Act, 1951.

BILL No. 7 OF 1952

A Bill for the prevention of prostitution in the State of Ajmer.

Be it enacted by the Legislative Assembly of the State of Ajmer as follows:

1. Short title, extent and commencement.—(1) This Act may be called the Ajmer Prevention of Prostitution Act, 1952.

(2) It extends to the whole of the State of Ajmer.

(3) This section shall come into force at once; and the Chief Commissioner of the State of Ajmer (hereinafter referred to as the Chief Commissioner) may by notification, in the official Gazette, direct that all or any of the remaining provisions of this Act shall come into force in such area and on such date, as may be specified in the notification, and may, in like manner, cancel or modify any such notification.

2. Interpretation.—(1) In this Act, unless there is anything repugnant in the subject or context,—

- (a) “brothel” means any house, room or place, or any part thereof, occupied or let or intended to be occupied or let as a single tenement, which is habitually used by more than one person for the purpose of prostitution and includes—
 - (i) where any house, room or place, or any part thereof is divided into cubicles by any means including cloth or canvass curtains, or wooden, cement, corrugated iron, asbestos or brick partitions and such cubicles are used for the purposes of prostitution, every such cubicle used for such purposes whether by one or by more than one person;
 - (ii) any room or place or any part thereof which is used for the purposes of prostitution, whether by one or by more than one person, and the floor area of which is less than one hundred square feet and the cubic area of which is less than one thousand cubic feet;
 - (iii) a self-contained flat used for the purposes of prostitution by more than one person, whether as independent tenants of different rooms or parts therein or otherwise;
- (b) “place of public amusement” means any place, enclosure, building, tent, booth or other erection, whether permanent or temporary, where music, singing, dancing or any diversion or game or the means of carrying on the same is provided, and to which the public are admitted, either on payment of money, or with the intention that money may be collected from those admitted; and includes a race-course, circus, theatre, cinema, music hall, billiard-room, begatelle-room, gymnasium, fencing school or dancing school;
- (c) “place of public entertainment” means any place, whether enclosed or open, to which the public are admitted, and where any kind of food or drink is supplied for consumption on the premises for the profit or gain of any person owning or having an interest in or managing such place; and includes a refreshment-room, eating-house, coffee-house, liquor-house, boarding-house, lodging-house, hotel, tavern or wine, bear, spirit, arrack, toddy, ganja, bhang or opium shop.
- (d) “prostitution” means promiscuous sexual inter-course for hire;
- (e) “Vigilance Home” means a corrective institution established or recognised by the Chief Commissioner, in which women are detained in pursuance of this Act and given such training and instruction and subjected to such disciplinary and moral influences as will conduce to their reformation and the prevention of offences under this Act.

(2) The General Clauses Act, 1897 (X of 1897), applies for the interpretation of this Act as it applies for the interpretation of a Central Act.

3. Soliciting.—Whoever in any street or public place or place of public resort or within sight of and in such manner as to be seen or heard from any street or public place, whether from within any house or building or not,—

- (a) by words, gestures, wilful and indecent exposure of his person or otherwise, attracts or endeavours to attract attention for the purpose of prostitution, or carnal intercourse or any act of gross indecency; or
- (b) solicits or molests any person or loiters for the purpose of prostitution, or carnal intercourse, or any act of gross indecency,

Shall be punishable with imprisonment which may extend to six months or with fine which may extend to five hundred rupees or with both.

4. Prostitutes in places of public amusement.—Whoever being the keeper of any place of public amusement or entertainment, Turkish bath, massage establishment, beauty parlour, manicure room, pedicure room, knitting room, embroidery room or other similar place by whatever name or description known, knowingly permits prostitutes, or persons of notoriously bad character, for the purposes of their trade to meet or remain in such place, shall be punishable with imprisonment which may extend to three months, or with fine which may extend to one thousand rupees or with both.

5. Living on the earnings of prostitution.—(1) Any person not below the age of 16 years who knowingly lives, wholly or in part, on the earnings of prostitution of another person shall be punishable with imprisonment which may extend to three years, or with fine which may extend to one thousand rupees, or with whipping, or with any two of those punishments.

(2) Where any person is proved to be living with or to be habitually in the company of a prostitute or is proved to have exercised control, direction or influence over the movements of a prostitute in such a manner as to show that he is aiding, abetting or compelling her prostitution with any other person or generally, or to be keeping or managing or assisting in the management of a brothel, it shall be presumed until the contrary is proved, that he is knowingly living on the earnings of prostitution.

6. Procuration.—Any person who procures or attempts to procure any woman or girl, whether with or without her consent, for the purposes of prostitution, or who with intent that she may for the purposes of prostitution become the inmate of or frequent a brothel, persuades a woman or girl to leave her usual place of abode, shall be punishable with imprisonment which may extend to three years, or with fine which may extend to one thousand rupees, or with whipping, or with any two of those punishments.

7. Importing woman or girl for prostitution.—Any person who brings or attempts to bring any woman or girl, whether a prostitute

or not, for the purposes of prostitution, shall be punishable with imprisonment which may extend to three years or with fine which may extend to one thousand rupees, or with whipping or with any two of those punishments.

8. Unlawful detention for prostitution.—(1) Whoever detains any woman or girl against her will,—

- (a) in any house, room or place in which the business of prostitution is carried on, or
- (b) in or upon any premises with intent that she may have sexual intercourse with any man, other than her husband, whether any particular man or generally, shall be punishable with imprisonment which may extend to two years, or with fine which may extend to one thousand rupees, or with whipping or with any two of those punishments.

(2) Where a woman or girl is in any house, room or place in which the business of a prostitution is carried on or is in or upon any premises for the purpose of having sexual intercourse referred to in clause (b) of sub-section (1), a person shall be deemed to detain such woman or girl in such house, room, place or in or upon such premises if, with intent to compel or induce her to remain there, such person withholds from her any wearing apparel, personal ornaments or other property belonging to her; or, where wearing apparel, personal ornaments, other personal property, or money has been lent or otherwise supplied to such woman or girl by or by the direction of such person, if such person threatens such woman or girl with legal proceedings if she takes away with her the wearing apparel or personal ornaments or other personal property so lent or supplied, or for the recovery of such money.

(3) No civil suit shall lie and no proceedings, whether civil or criminal, shall be taken against any such woman or girl or against any person on her behalf, by or on behalf of any person occupying or managing or acting or assisting in the management of any such house, room, place or premises, for the recovery of any wearing apparel, personal ornaments or other property alleged to have been lent or supplied to or for such woman or girl or to have been pledged by or for her or for the recovery of any money alleged to be payable by or on behalf of such woman or girl.

9. No punishment of whipping under sections 5 to 8 for females.—Nothing in sections 5, 6, 7 and 8 shall render a female liable to be punished with whipping.

10. Removal of prostitutes.—(1) The District Magistrate may at any time cause a notice to be served upon any person who occupies or manages or acts or assists in the management of, or upon any woman who resides in, uses or frequents, any house, room, or place in which the business of prostitution is carried on, requiring such person or woman after a date to be mentioned in the notice, which shall not be less than seven days from the date of the notice, not to reside in, or frequent any street or place specified in the notice, or directing such person or woman, after a date to be mentioned and fixed as aforesaid to remove himself or herself to some specified area in the State of Ajmer or outside the said State, and by such route or routes and within such time as the District Magistrate shall prescribe.

(2) Before an order is passed against any person under sub-section (1), the District Magistrate shall inform such person in writing of the general nature of the material allegations against him and give him a reasonable opportunity of explaining those allegations. The District Magistrate may also examine any witnesses produced by such person. Any written statement made by such person shall be filed with the record.

Such person shall be entitled to appear before the District Magistrate by a legal practitioner for the purpose of explaining the allegations against him and examining the witnesses produced by him.

(3) The District Magistrate may, for the purpose of securing the attendance of any person against whom an order is proposed to be made under sub-section (1) exercise all or any of the powers of a Court under section 75 to 77 of the Code of Criminal Procedure, 1898 (V of 1898).

(4) If any person or woman so directed under sub-section (1) fails or refuses to remove himself or herself as directed within the time specified, the District Magistrate may cause such person or woman to be arrested and removed in police custody to the place specified or outside the State.

(5) No direction under the second alternative in sub-section (1) shall be made without the previous sanction of the Chief Commissioner.

(6) Any person on whom a notice under this section shall have been served, disobeying the requisition therein contained, shall be punishable with imprisonment which may extend:—

- (a) in the case of a first offence to one month, and
- (b) in the case of a second or subsequent offence to three months.

(7) Whoever, within two years from the date of his removal under the provisions of this section, returns to the area from which he was removed or to the State of Ajmer, as the case may be, without the permission in writing of the District Magistrate, shall be punishable with imprisonment which may extend to two years or with fine or with both.

11. Prostitution in vicinity of public places whoever carries on the business of a prostitution in any premises.—(a) Which are adjacent or opposite to, or within a distance of one hundred and fifty yards of, any place of public religious worship, educational institution, public park, public playground, cinema, theatre or railway station, or on a thoroughfare, or

- (b) which are notified in this behalf by the District Magistrate, in the manner prescribed by rules made by the Chief Commissioner,

shall be punishable with imprisonment which may extend to three months, or with fine which may extend to two hundred rupees, or with both.

12. Detention in Vigilance Home.—(1) Any Court convicting a woman or girl of an offence punishable under this Act may, in lieu of passing a sentence of imprisonment, pass a sentence of detention in a Vigilance Home for a term which shall not exceed the maximum period for which she would have been sentenced for such offence.

(2) For the purpose of appeals and revision under the Code of Criminal Procedure, 1898 (V of 1898), a sentence of detention for any period passed under sub-section (1) shall be deemed to be a sentence of imprisonment for the like period.

13. Arrest without warrant.—(1) Any police officer not below the rank of a Sub-Inspector of Police, and, if the offence is committed in his view, any police officer specially authorised in this behalf by the District Magistrate, may arrest without a warrant any person committing any offence punishable under section 3.

(2) Any police officer may, without an order from a magistrate and without a warrant, arrest any person who has been concerned in any offence punishable under section 8 or against whom a reasonable complaint has been made or credible information has been received or a reasonable suspicion exists of his having been concerned in an offence under that section or of his having committed an offence under section 10, sub-section (7).

14. Offences triable by certain Magistrates only.—Offences punishable under sections 5, 6, 7 and 8 shall be triable by the Courts of Session and Stipendiary Magistrates of the First Class only.

15. Delegation of powers.—The Chief Commissioner may, by notification in the Official Gazette, authorise any Sub-Divisional Magistrate to exercise within his sub-division all or any of the powers conferred by this Act on the District Magistrate.

16. Power to make rules.—(1) The Chief Commissioner may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

- (a) the management of Vigilance Homes and the appointment, powers and duties of officials in such Homes;
- (b) the care, treatment, maintenance, training, instruction and control of the inmates of such Homes;
- (c) visits to, and communications with, such inmates;
- (d) the temporary detention of women or girls sentenced to detention in Vigilance Homes until arrangements are made for sending them to such Homes: provided that no woman or girl shall be detained in the custody of any person or body of a religious persuasion different from hers;
- (e) the transfer of women or girls from one Vigilance Home to another;
- (f) the transfer from Vigilance Homes to prisons of women or girls found to be incorrigible or exercising a bad influence, and the period of their detention in such

prisons, provided that the period of detention in prison together with the period of detention in a Vigilance Home, shall not exceed the maximum period for which the inmate could have been sentenced for the offence in respect of which she was convicted.

- (g) the transfer to Vigilance Homes of women or girls sentenced under this Act and the period of their detention in such Homes;
- (h) the discharge of inmates from Vigilance Homes either absolutely or subject to conditions, and their arrest in the event of a breach of such conditions;
- (i) the grant of permission to inmates to absent themselves for short periods;
- (j) the application of the provisions of the Prisons Act, 1894 (IX of 1894), the Prisoners Act, 1900 (III of 1900), and the rules made under those Acts, to Vigilance Homes and their inmates, subject to such adaptations, alterations and exceptions as may be specified.

(3) In making a rules under sub-section (1) or sub-section (2) the Chief Commissioner may provide that a breach there of shall be punishable with fine which may extend to one hundred rupees.

STATEMENTS OF OBJECTS AND REASONS

The evil of prostitution has spread in the State of Ajmer to such an extent that the Government consider it desirable to take measures to put an end to it. Legislation for this purpose has been passed by some of the legislatures in India,—see for instance the Bombay Prevention of Prostitution Act, 1923 (Bombay Act XI of 1923). The Government consider that Legislation on the lines of the Bombay Act may be undertaken in this State also.

The Bill prohibits soliciting by persons in streets, public places, etc., and also the keepers of places of public amusement and entertainment from permitting prostitutes to meet or remain in such places for the purposes of their trade. Persons not below the age of 16 years will not hereafter be allowed to live on the earnings of prostitution of another person. The procuration, importation and detention of women or girls for the purposes of prostitution have also been made illegal. Power has also been taken to direct prostitutes to remove themselves outside the State or to specified places within the State.

The Bill contains suitable penalties for a breach of these provisions and also other ancillary provisions for carrying out the object in view.

B. K. KAULA,
Minister-in-charge.

N. SWAMINATHAN,
Secretary to Government of Ajmer,
Law and Judicial Department.

LAW & JUDICIAL DEPARTMENT

Ajmer, the 18th December, 1952

No. 35/23/52-Law.—The following Bill which is proposed to be introduced in the Ajmer Legislative Assembly is published under Rule 90 of the Rules of Procedure relating to the Ajmer Legislative Assembly for general information;

BILL No. 8 of 1952

A Bill to control the use of sound amplifiers in the State of Ajmer.

Be it enacted by the Legislative Assembly of the State of Ajmer as follows:

1. Short title, extent, commencement and interpretation.—(1) This Act may be called the Ajmer (Sound Amplifiers Control) Act, 1952.

(2) It extends to the whole of the State of Ajmer.

(3) This section shall come into force at once; and the Chief Commissioner of the State of Ajmer may, by notification in the Official Gazette, direct that the remaining provisions of this Act shall come into force, either permanently or for any specified period, in such area, and on such date, as may be specified in the notification, and may, in like manner, cancel or modify any such notification.

(4) The General Clauses Act, 1897 (X of 1897), applies for the interpretation of this Act as it applies for the interpretation of a Central Act.

2. Penalty for unauthorised use of sound amplifiers in places.—

(1) No person shall use in any place, whether public or otherwise, any sound amplifier except at such times and places and subject to such conditions, as shall, from time to time, be allowed, by order in writing, either generally or in any case or class of cases, by the District Superintendent of Police or by such officer of the Police Department, not below the rank of an Inspector of Police, as the said Superintendent may by order in writing empower in this behalf:

Provided that nothing in this sub-section shall apply to the use in a place other than a public place, of a sound amplifier which is a component part of a wireless apparatus duly licensed under any law for the time being in force.

(2) Any person contravening the provisions of this section shall be punishable with imprisonment which may extend to one month or with fine which may extend to one hundred rupees or with both.

(3) In this section 'public place' means a place (including a road, street or way, whether a thoroughfare or not, and a landing place) to which the public are granted access or have a right to resort, or over which they have a right to pass.

3. Power of police officer to arrest without warrant.—Any police officer may arrest without a warrant any person committing in his view an offence punishable under section 2.

STATEMENTS OF OBJECTS AND REASONS

Experience has shown that an unregulated use of sound amplifiers in places is a source of inconvenience of annoyance to the members of the public, especially during nights, and that it is necessary to control the use of these amplifiers. The Bill gives effect to this object.

B. K. KAUL,
Minister-in-charge.

N. SWAMINATHAN,
Secretary to Government of Ajmer,
Law and Judicial Department.

